

AN ORDINANCE 101783

AUTHORIZING THE ACCEPTANCE AND EXECUTION OF AN AMENDMENT TO THE AIRSIDE IMPROVEMENT PROGRAM GRANT FROM THE FEDERAL AVIATION ADMINISTRATION (FAA) TO THE SAN ANTONIO INTERNATIONAL AIRPORT, IN SUPPORT OF THE AIRSIDE APRON AND UTILITIES PROJECT, THE ACOUSTICAL TREATMENT PROGRAM AND THE AIRPORT NOISE MITIGATION PROGRAM, TO ADD SPECIAL CONDITIONS TO THE GRANT OFFER RELATING TO ANNUAL REPORTING OF FUNDS EXPENDED AND OTHER ACTIONS ASSOCIATED WITH THIS GRANT.

* * * * *

WHEREAS, by Ordinance 101267, passed and approved on August 25, 2005 the City Council authorized acceptance of a Federal Aviation Administration Grant in the amount of \$7,646,366.00 under the Airport Improvement Program (AIP) in support of the Residential Acoustical Treatment and Airside Apron & Utilities Programs at San Antonio International Airport ("Grant Agreement") and execution of the associated grant agreement; and

WHEREAS, the Federal Aviation Administration has established new special conditions to the Grant Agreement relating to annual reporting of funds expended and other actions associated with this grant were added to the City's obligations in order be eligible for continued funding under this grant; and

WHEREAS, in order to assure that funding of these projects will continue, it is now necessary to accept the amendment to the Grant Agreement required by the Federal Aviation Administration; **NOW THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager or her designee is hereby authorized to execute the Amendment to the Grant Agreement. A copy of said Amendment is attached hereto and incorporated herein by reference for all purposes as Attachment 1.

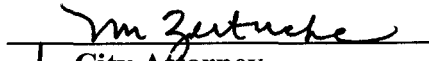
SECTION 2. The affected projects are included as part of the Aviation Department's Capital Budget and the budget for these projects, including the City's proportionate share will be established, appropriations authorized, and contracts awarded by subsequent ordinances.

SECTION 3. This Ordinance shall be effective on and after the tenth (10th) day after passage.

PASSED AND APPROVED this 1st day of December, 2005.


MAYOR
for **PHIL HARDBERGER**

ATTEST: 
City Clerk

APPROVED AS TO FORM: 
for City Attorney

**CITY OF SAN ANTONIO
AVIATION DEPARTMENT
CITY COUNCIL AGENDA MEMORANDUM**

TO: Mayor and City Council

FROM: Mark H. Webb, Interim Aviation Director

SUBJECT: Accepting Amendment No.1 to Grant Agreement No. 3-48-0192-050-2005 for San Antonio International Airport

DATE: December 1, 2005

SUMMARY AND RECOMMENDATIONS

This ordinance authorizes the acceptance and execution of a grant amendment from the Federal Aviation Administration (FAA). The grant amendment adds special conditions to the grant offer relating to annual reporting of funds expended and other actions associated with this grant.

Staff recommends the approval of this ordinance.

BACKGROUND INFORMATION

Ordinance No. 101267, passed and approved on August 25, 2005, authorized the acceptance of a grant in the amount of \$7,646,366.00 with the Federal Aviation Administration under the airport Improvement Program (AIP) in support of the following projects at International Airport: Airside Apron & Utilities (\$3,646,366.00) and the Acoustical Treatment Program (\$4,000,000.00), the City's Airport Noise Mitigation Program.

The FAA has established new reporting guidelines for Noise Mitigation Projects funded by AIP Grants to include:

- Total noise grant funds expended during the fiscal year.
- Amount of funds expended by Program element(s) as identified in the sponsor's Noise Compatibility Program (NCP).
- Number of parcels mitigated by noise contour and Program element as identified in the sponsor's NCP.
- Total number of people impacted by the sponsor's NCP (by noise contour) and total number of people mitigated during the fiscal year by noise contour and Program element as identified in the sponsor's NCP.
- A graphic (map) depicting noise contours and location of mitigation action as defined by the Program Element(s) of the sponsor's NCP.
- A written plan outlining actions being planned for the next year based on the sponsor's priorities and the NCP.

This annual report will be generated by the Acoustical Treatment Consultant currently under contract with the City.

POLICY ANALYSIS

The action continues the policy of using federal funds when available.

FISCAL IMPACT

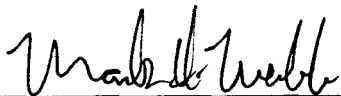
There is no fiscal impact resulting from this action.

COORDINATION

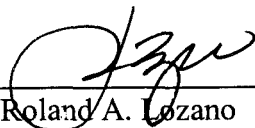
This item has been coordinated with Public Works Department, City Attorney and the Finance Department for availability of funds.

SUPPLEMENTARY COMMENTS

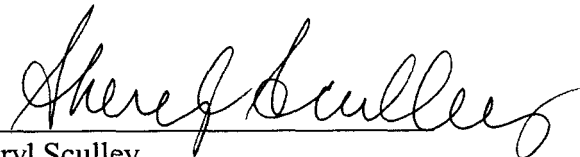
This is not a discretionary contract, and therefore, an Ethics Ordinance Disclosure Statement is not required.



Mark H. Webb
Interim Aviation Director



Roland A. Lozano
Assistant to the City Manager



Sheryl Sculley
City Manager

*Filed
Dec 15*

DO NOT TYPE IN THIS SPACE		CITY OF SAN ANTONIO			
		Request For Ordinance/Resolution			
Date: November 1, 2005		Department: Department of Aviation		Contact Person/Phone #: Lisa Lott Brice 207-2254 <i>LB</i>	
Date Council Consideration Requested: December 1, 2005		Deadline for Action: N/A		Dept. Head Signature <i>Wally Webb</i>	
SUMMARY OF ORDINANCE					
An Ordinance authorizing the acceptance and execution of an amendment to the Airside Improvement Program Grant from the Federal Aviation Administration (FAA) to the San Antonio International Airport, in support of the Airside Apron and Utilities Project, the Acoustical Treatment Program and the Airport Noise Mitigation Program, to add special conditions to the grant offer relating to annual reporting of funds expended and other actions associated with this grant.					
Council Memorandum Must be Attached To Original					
Other Depts., Boards, Committees Involved (please specify):					
Public Works, City Attorney, Finance, Budget					
Contract signed by other party					
Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>					
FISCAL DATA (If Applicable)					
Amount Expended N/A			Funds/Staffing Budgeted Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Positions Currently Authorized Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Impact on future O & M N/A If positions added, specify Class and Job No.		
Fund N/A SAP GL Account N/A					
*Cost Center N/A					
*Internal Order No. *WBS (Capital Proj.) N/A					
*(Fill out only the field that is appropriate to your council action.)					
Comments:					
Consent Agenda			Please submit 3 copies with your original		

Original



US Department
of Transportation

Page 1 of 3 Pages

Federal Aviation Administration
Southwest Region
Fort Worth, TX 76193-0600

San Antonio International Airport

NOV 02 2005

AMENDMENT NO. 1 TO GRANT AGREEMENT FOR PROJECT NO. 3-48-0192-050-2005

WHEREAS, the Federal Aviation Administration (hereinafter referred to as the "FAA") has determined it to be in the interest of the United States that the Grant Agreement between the FAA, acting for and on behalf of the United States, and the, (hereinafter referred to as the "Sponsor"), accepted by said Sponsor on August 25, 2005, be amended as hereinafter provided.

NOW THEREFORE, WITNESSETH:

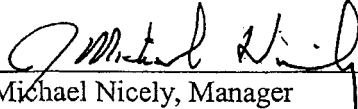
That in consideration of the benefits to accrue to the parties hereto, the FAA on behalf of the United States, on the one part, and the Sponsor, on the other part, do hereby mutually agree as follows:

As a condition of this Airport Improvement Program (AIP) grant, the sponsor agrees to provide to the Federal Aviation Administration (FAA), an annual report of funds expended and actions associated with this grant. The report shall be due to the FAA within 90 days following the end of each Federal fiscal year the grant remains open. The report shall provide the following information:

- a) Total noise grant funds expended during the fiscal year.
- b) Amount of funds expended by Program Element(s) as identified in the sponsor's Noise Compatibility Program (NCP).
- c) Number of parcels mitigated by DNL contour and Program Element as identified in the sponsor's NCP.
- d) Total number of people impacted by the sponsor's NCP (by DNL contour) and total number of people mitigated during the fiscal year by DNL contour and Program Element as identified in the sponsor's NCP.
- e) A graphic (map) depicting DNL contours and the location of mitigation action as defined by the Program Element(s) of the sponsor's NCP.
- f) A written plan outlining actions being planned for the next year based on the sponsor's priorities and the NCP.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to said Grant Agreement to be duly executed as of the _____ day of _____, 20 _____.

**UNITED STATES OF AMERICA
FEDERAL AVIATION ADMINISTRATION**



J. Michael Nicely, Manager
Texas ADO Airports Development Office

Project No. 3-48-0192-050-2005

San Antonio International Airport

(SEAL)

By: _____
(Sponsor's Designated Official Representative)

Title: _____

Attest: _____

Title: _____

CERTIFICATE OF SPONSOR'S ATTORNEY

I, _____, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of _____. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor relating thereto, and find that the acceptance thereof by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at _____ this _____ day of _____, 20____.

(Signature of Sponsor's Attorney)